

EXHIBIT 3

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)
333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsflp.com

Joseph R. Saveri (State Bar No. 130064)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1505
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com

*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF CHRISTOPHER GOLDEN'S
RESPONSES TO DEFENDANT META
PLATFORMS, INC.'S THIRD SET OF
REQUESTS FOR ADMISSION**

No. 08-CV-1661-LAB-NLS, 2011 WL 719206, at *6 (S.D. Cal. Feb. 22, 2011) (*citing Google Inc. v. American Blind & Wallpaper Factory, Inc.*, No. C. 03-5340 JF (RS), 2006 WL 2578277 (N.D. Cal. Sept. 6, 2006)). To discover new information, parties must use other methods, like depositions, document requests, or interrogatories. *See, e.g., Republic of Turkey v. Christie's, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was not designed for this purpose.” (quoting 7 Moore’s Federal Practice § 36.02[1])); *Spectrum Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18-CV-11386-VSB-KHP, 2021 WL 735241, at *2 (S.D.N.Y. Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other discovery rules such as Rule 34” and excusing a party from responding where RFAs were “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for legal analysis and a legal conclusion.

Subject to and without waiver of the foregoing objections, Subject to and without waiver of the foregoing objections, no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 71:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 71:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admission Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

Subject to and without waiver of the foregoing objections, Plaintiff admits he has not granted the publisher of his ASSERTED WORKS the right to license the ASSERTED WORKS as training data for LLMs. Plaintiff further responds that Plaintiff has entered into licensing agreements with Plaintiff’s

1 publisher for the ASSERTED WORK and directs Meta to the terms of such licensing agreements,
2 which speak for themselves.

3 **REQUEST FOR ADMISSION NO. 72:**

4 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license
5 the ASSERTED WORK(S) as training data for LLMs.

6 **RESPONSE TO REQUEST NO. 72:**

7 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions
8 Numbers 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
9 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
10 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and
11 are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*,
12 No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

13 Subject to and without waiver of the foregoing objections, Plaintiff admits that the publisher of
14 his ASSERTED WORKS does not possess the right to license the ASSERTED WORKS as training
15 data for LLMs. Plaintiff further responds that he has entered into licensing agreements with Plaintiff’s
16 publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements,
17 which speak for themselves.

18 **REQUEST FOR ADMISSION NO. 73:**

19 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
20 license the ASSERTED WORK(S) as training data for LLMs.

21 **RESPONSE TO REQUEST NO. 73:**

22 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.”
23 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the facts
24 of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, No. 16-cv-4577, 2016 WL 7116591, at *5 (N.D. Ill.
25 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not
26 permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*,
27 No. Civ. A. 96-577-JJF, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking
28 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.

Dated: November 18, 2024

By: /s/ Joseph R. Saveri

Joseph R. Saveri

BOIES SCHILLER FLEXNER LLP

JOSEPH SAVERI LAW FIRM, LLP

David Boies (*pro hac vice*)
333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsflp.com

Joseph R. Saveri (SBN 130064)
Cadio Zirpoli (SBN 179108)
Christopher K.L. Young (SBN 318371)
Holden Benon (SBN 325847)
Aaron Cera (SBN 351163)
Margaux Poueymirou (SBN 35600)
601 California Street, Suite 1505
San Francisco, California 94108
(415) 500-6800
jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
hbenon@saverilawfirm.com
acera@saverilawfirm.com
mpoueymirou@saverilawfirm.com

Maxwell V. Pritt (SBN 253155)
Joshua I. Schiller (SBN 330653)
Joshua M. Stein (SBN 298856)
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
(415) 293-6800
mpritt@bsflp.com
jischiller@bsflp.com
jstein@bsflp.com

Jesse Panuccio (*pro hac vice*)
1401 New York Ave, NW
Washington, DC 20005
(202) 237-2727
jpanuccio@bsflp.com

Matthew Butterick (SBN 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
(323) 968-2632
mb@buttericklaw.com

David L. Simons (*pro hac vice*)
55 Hudson Yards, 20th Floor
New York, NY 10001
(914) 749-8200
dsimons@bsflp.com

CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP

Bryan L. Clobes (*pro hac vice*)
135 S. LaSalle Street, Suite 3210
Chicago, IL 60603
(312) 782-4880
bclobes@caffertyclobes.com

[continued on next page]

DICELLO LEVITT

David A. Straite (pro hac vice)
485 Lexington Avenue, Suite 1001
New York, NY 10017
(646) 933-1000
dstraite@dicellolevitt.com

Amy Keller

Nada Djordjevic

James A. Ulwick

Madeline Hills

10 North Dearborn Street, 6th Floor

Chicago, Illinois 60602

(312) 214-7900

akeller@dicellolevitt.com

ndjordjevic@dicellolevitt.com

julwick@dicellolevitt.com

mhills@dicellolevitt.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**LIEFF CABRASER HEIMANN & BERNSTEIN,
LLP**

Daniel M. Hutchinson (SBN 239458)

275 Battery Street, 29th Floor

San Francisco, CA 94111

(415) 956-1000

hutchinson@lchb.com

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 18, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF CHRISTOPHER GOLDEN'S RESPONSES TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 18, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

SERVICE LIST

Bobby A. Ghajar
Colette Ani Ghazarian
COOLEY LLP
1333 2nd Street, Suite 400
Santa Monica, CA 90401
Email: bghajar@cooley.com
cghazarian@cooley.com

Mark Alan Lemley
LEX LUMINA PLLC
745 Fifth Avenue, Suite 500
New York, NY 10151
Email: mlemley@lex-lumina.com

zmetakadrey@cooley.com

Kathleen R. Hartnett
COOLEY LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Email: khartnett@cooley.com

*Counsel for Defendant
Meta Platforms, Inc.*

Judd D. Lauter
Elizabeth Lee Stameshkin
Juan Pablo Gonzalez
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304
Email: jlauter@cooley.com
lstameshkin@cooley.com
jgonzalez@cooley.com

Brian O. O'Mara
DICELLO LEVITT LLP
4747 Executive Dr., Ste 240
San Diego, CA 92121
Email: brian@dicellolevitt.com

Counsel for Plaintiffs

Cole Augustus Poppell
Phillip Edward Morton
COOLEY LLP
1299 Pennsylvania Avenue, NW, Suite 700
Washington, DC 20004-2400
(202) 776-2317
Fax: (202) 842-7899
Email: cpoppell@cooley.com
pmorton@cooley.com

Angela L. Dunning
**CLEARY GOTTlieb STEEN &
HAMILTON LLP**
1841 Page Mill Road
Palo Alto, CA 94304-1254
Email: adunning@cgsh.com

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)
333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsfllp.com

Joseph R. Saveri (State Bar No. 130064)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1505
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com

*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

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NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF RICHARD KADREY'S
RESPONSES TO DEFENDANT META
PLATFORMS, INC.'S THIRD SET OF
REQUESTS FOR ADMISSION**

REQUEST FOR ADMISSION NO. 75:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 75:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admission Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

Subject to and without waiver of the foregoing objections, Plaintiff admits he has not granted the publisher of his ASSERTED WORKS the right to license the ASSERTED WORKS as training data for LLMs. Plaintiff further responds that Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements, which speak for themselves.

REQUEST FOR ADMISSION NO. 76:

Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 76:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

Subject to and without waiver of the foregoing objections, Plaintiff admits that the publisher of his ASSERTED WORKS does not possess the right to license the ASSERTED WORKS as training data for LLMs. Plaintiff further responds that he has entered into licensing agreements with Plaintiff’s

1 publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements,
2 which speak for themselves.

3 **REQUEST FOR ADMISSION NO. 77:**

4 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission
5 to license the ASSERTED WORK(S) as training data for LLMs.

6 **RESPONSE TO REQUEST NO. 77:**

7 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.”
8 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the facts
9 of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, No. 16-cv-4577, 2016 WL 7116591, at *5 (N.D. Ill.
10 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not
11 permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*,
12 No. Civ. A. 96-577-JJF, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking
13 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.
14 36 advisory committee’s note to 1946 amendment; *Universal Dyeing & Printing, Inc. v. Zoetop Bus. Co.*,
15 No. CV-223741-FLA-RAO, 2023 WL 9004983, at *21 (C.D. Cal. June 23, 2023) (denying motion to
16 compel where the Request for Admission was a hypothetical not tied to the facts at issue and an
17 affirmative response would not reduce the burden on a jury at trial) (*citing Advantus, Corp. v. Sandpiper*
18 *of Cal., Inc.*, No. 19-cv-1892-CAB (NLS), 2021 WL 2038318, at *2 (S.D. Cal. May 21, 2021) and *Apple*
19 *Inc. v. Samsung Elecs. Co.*, No. C 11-cv-1846 LHK (PSG), 2012 WL 952254, at *4 (N.D. Cal. Mar. 20,
20 2012)).

21 Subject to and without waiver of the foregoing objections, Plaintiff admits this Request.

22 **REQUEST FOR ADMISSION NO. 78:**

23 Admit that YOU have not granted another PERSON the right to license YOUR ASSERTED
24 WORK(S) as training data for LLMs.

25 **RESPONSE TO REQUEST NO. 78:**

26 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions
27 Numbers 9, 10, 11, 69, and 70. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891,
28 at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and

Dated: November 18, 2024

By: /s/ Joseph R. Saveri

Joseph R. Saveri

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)

333 Main Street

Armonk, NY 10504

(914) 749-8200

dboies@bsflp.com

Maxwell V. Pritt (SBN 253155)

Joshua I. Schiller (SBN 330653)

Joshua M. Stein (SBN 298856)

44 Montgomery Street, 41st Floor

San Francisco, CA 94104

(415) 293-6800

mpritt@bsflp.com

jischiller@bsflp.com

jstein@bsflp.com

Jesse Panuccio (*pro hac vice*)

1401 New York Ave, NW

Washington, DC 20005

(202) 237-2727

jpanuccio@bsflp.com

David L. Simons (*pro hac vice*)

55 Hudson Yards, 20th Floor

New York, NY 10001

(914) 749-8200

dsimons@bsflp.com

JOSEPH SAVERI LAW FIRM, LLP

Joseph R. Saveri (SBN 130064)

Cadio Zirpoli (SBN 179108)

Christopher K.L. Young (SBN 318371)

Holden Benon (SBN 325847)

Aaron Cera (SBN 351163)

Margaux Poueymirou (SBN 35600)

601 California Street, Suite 1505

San Francisco, California 94108

(415) 500-6800

jsaveri@saverilawfirm.com

czirpoli@saverilawfirm.com

cyoung@saverilawfirm.com

hbenon@saverilawfirm.com

acera@saverilawfirm.com

mpoueymirou@saverilawfirm.com

Matthew Butterick (SBN 250953)

1920 Hillhurst Avenue, #406

Los Angeles, CA 90027

(323) 968-2632

mb@buttericklaw.com

CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP

Bryan L. Clobes (*pro hac vice*)

135 S. LaSalle Street, Suite 3210

Chicago, IL 60603

(312) 782-4880

bclobes@caffertyclobes.com

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BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)
 333 Main Street
 Armonk, NY 10504
 (914) 749-8200
 dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)
 Joshua I. Schiller (SBN 330653)
 Joshua M. Stein (SBN 298856)
 44 Montgomery Street, 41st Floor
 San Francisco, CA 94104
 (415) 293-6800
 mpritt@bsfllp.com
 jschiller@bsfllp.com
 jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)
 1401 New York Ave, NW
 Washington, DC 20005
 (202) 237-2727
 jpanuccio@bsfllp.com

David L. Simons (*pro hac vice*)
 55 Hudson Yards, 20th Floor
 New York, NY 10001
 (914) 749-8200
 dsimons@bsfllp.com

JOSEPH SAVERI LAW FIRM, LLP

Joseph R. Saveri (SBN 130064)
 Cadio Zirpoli (SBN 179108)
 Christopher K.L. Young (SBN 318371)
 Holden Benon (SBN 325847)
 Aaron Cera (SBN 351163)
 Margaux Poueymirou (SBN 35600)
 601 California Street, Suite 1505
 San Francisco, California 94108
 (415) 500-6800
 jsaveri@saverilawfirm.com
 czirpoli@saverilawfirm.com
 cyoung@saverilawfirm.com
 hbenon@saverilawfirm.com
 acera@saverilawfirm.com
 mpoueymirou@saverilawfirm.com

Matthew Butterick (SBN 250953)
 1920 Hillhurst Avenue, #406
 Los Angeles, CA 90027
 (323) 968-2632
 mb@buttericklaw.com

CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP

Bryan L. Clobes (*pro hac vice*)
 135 S. LaSalle Street, Suite 3210
 Chicago, IL 60603
 (312) 782-4880
 bclobes@caffertyclobes.com

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BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)
333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsflfp.com

Maxwell V. Pritt (SBN 253155)
Joshua I. Schiller (SBN 330653)
Joshua M. Stein (SBN 298856)
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
(415) 293-6800
mpritt@bsflfp.com
jischiller@bsflfp.com
jstein@bsflfp.com

Jesse Panuccio (*pro hac vice*)
1401 New York Ave, NW
Washington, DC 20005
(202) 237-2727
jpanuccio@bsflfp.com

David L. Simons (*pro hac vice*)
55 Hudson Yards, 20th Floor
New York, NY 10001
(914) 749-8200
dsimons@bsflfp.com

JOSEPH SAVERI LAW FIRM, LLP

Joseph R. Saveri (SBN 130064)
Cadio Zirpoli (SBN 179108)
Christopher K.L. Young (SBN 318371)
Holden Benon (SBN 325847)
Aaron Cera (SBN 351163)
Margaux Poueymirou (SBN 35600)
601 California Street, Suite 1505
San Francisco, California 94108
(415) 500-6800
jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
hbenon@saverilawfirm.com
acera@saverilawfirm.com
mpoueymirou@saverilawfirm.com

Matthew Butterick (SBN 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
(323) 968-2632
mb@buttericklaw.com

CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP

Bryan L. Clobes (*pro hac vice*)
135 S. LaSalle Street, Suite 3210
Chicago, IL 60603
(312) 782-4880
bclobes@caffertyclobes.com

[continued on next page]

DICELLO LEVITT

David A. Straite (pro hac vice)
485 Lexington Avenue, Suite 1001
New York, NY 10017
(646) 933-1000
dstraite@dicellolevitt.com

Amy Keller
Nada Djordjevic
James A. Ulwick
Madeline Hills
10 North Dearborn Street, 6th Floor
Chicago, Illinois 60602
(312) 214-7900
akeller@dicellolevitt.com
ndjordjevic@dicellolevitt.com
julwick@dicellolevitt.com
mhills@dicellolevitt.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**LIEFF CABRASER HEIMANN & BERNSTEIN,
LLP**

Daniel M. Hutchinson (SBN 239458)
275 Battery Street, 29th Floor
San Francisco, CA 94111
(415) 956-1000
hutchinson@lchb.com

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 18, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF RICHARD KADREY'S RESPONSES TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 18, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

SERVICE LIST

Bobby A. Ghajar
Colette Ani Ghazarian
COOLEY LLP
1333 2nd Street, Suite 400
Santa Monica, CA 90401
Email: bghajar@cooley.com
cghazarian@cooley.com

Mark Alan Lemley
LEX LUMINA PLLC
745 Fifth Avenue, Suite 500
New York, NY 10151
Email: mlemley@lex-lumina.com

zmetakadrey@cooley.com

Kathleen R. Hartnett
COOLEY LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Email: khartnett@cooley.com

*Counsel for Defendant
Meta Platforms, Inc.*

Judd D. Lauter
Elizabeth Lee Stameshkin
Juan Pablo Gonzalez
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304
Email: jlauter@cooley.com
lstameshkin@cooley.com
jgonzalez@cooley.com

Brian O. O'Mara
DICELLO LEVITT LLP
4747 Executive Dr., Ste 240
San Diego, CA 92121
Email: brian@dicellolevitt.com

Counsel for Plaintiffs

Cole Augustus Poppell
Phillip Edward Morton
COOLEY LLP
1299 Pennsylvania Avenue, NW, Suite 700
Washington, DC 20004-2400
(202) 776-2317
Fax: (202) 842-7899
Email: cpoppell@cooley.com
pmorton@cooley.com

Angela L. Dunning
**CLEARY GOTTlieb STEEN &
HAMILTON LLP**
1841 Page Mill Road
Palo Alto, CA 94304-1254
Email: adunning@cgsh.com

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)
333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsflp.com

Joseph R. Saveri (State Bar No. 130064)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1505
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com

*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

**UNITED STATES DISTRICT COURT
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SAN FRANCISCO DIVISION**

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**PLAINTIFF SARAH SILVERMAN'S
RESPONSES TO DEFENDANT META
PLATFORMS, INC.'S THIRD SET OF
REQUESTS FOR ADMISSION**

eliminate from the trial issues as to which there is no genuine dispute and, therefore, Requests for Admissions are not intended to be used as means of gathering evidence.” *Bovarie v. Schwarzenegger*, No. 08-CV-1661-LAB-NLS, 2011 WL 719206, at *6 (S.D. Cal. Feb. 22, 2011) (citing *Google Inc. v. American Blind & Wallpaper Factory, Inc.*, No. C. 03-5340 JF (RS), 2006 WL 2578277 (N.D. Cal. Sept. 6, 2006)). To discover new information, parties must use other methods, like depositions, document requests, or interrogatories. See, e.g., *Republic of Turkey v. Christie’s, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was not designed for this purpose.” (quoting 7 Moore’s Federal Practice § 36.02[1])); *Spectrum Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18-CV-11386-VSB-KHP, 2021 WL 735241, at *2 (S.D.N.Y. Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other discovery rules such as Rule 34” and excusing a party from responding where RFAs were “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for legal analysis and a legal conclusion.

Subject to and without waiver of the foregoing objections, Subject to and without waiver of the foregoing objections, no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 65:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 65:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admission Numbers 9, 10, and 11. See e.g., *Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); see also *K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

Subject to and without waiver of the foregoing objections, Plaintiff admits she has not granted the publisher of her ASSERTED WORK the right to license the ASSERTED WORK as training data

1 for LLMs. Plaintiff further responds that Plaintiff has entered into licensing agreements with Plaintiff's
 2 publisher for the ASSERTED WORK and directs Meta to the terms of such licensing agreements,
 3 which speak for themselves.

4 **REQUEST FOR ADMISSION NO. 66:**

5 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license
 6 the ASSERTED WORK(S) as training data for LLMs.

7 **RESPONSE TO REQUEST NO. 66:**

8 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions
 9 Numbers 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
 10 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 11 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and
 12 are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*,
 13 No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

14 Subject to and without waiver of the foregoing objections, Plaintiff admits that the publisher of
 15 her ASSERTED WORK does not possess the right to license the ASSERTED WORK as training data
 16 for LLMs. Plaintiff further responds that she has entered into licensing agreements with Plaintiff's
 17 publisher for the ASSERTED WORK and directs Meta to the terms of such licensing agreements,
 18 which speak for themselves.

19 **REQUEST FOR ADMISSION NO. 67:**

20 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
 21 license the ASSERTED WORK(S) as training data for LLMs.

22 **RESPONSE TO REQUEST NO. 67:**

23 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.”
 24 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the facts
 25 of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, No. 16-cv-4577, 2016 WL 7116591, at *5 (N.D. Ill.
 26 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not
 27 permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*,
 28 No. Civ. A. 96-577-JJF, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking

Dated: November 18, 2024

By: /s/ Joseph R. Saveri

Joseph R. Saveri

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice*)

333 Main Street

Armonk, NY 10504

(914) 749-8200

dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)

Joshua I. Schiller (SBN 330653)

Joshua M. Stein (SBN 298856)

44 Montgomery Street, 41st Floor

San Francisco, CA 94104

(415) 293-6800

mpritt@bsfllp.com

jischiller@bsfllp.com

jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)

1401 New York Ave, NW

Washington, DC 20005

(202) 237-2727

jpanuccio@bsfllp.com

David L. Simons (*pro hac vice*)

55 Hudson Yards, 20th Floor

New York, NY 10001

(914) 749-8200

dsimons@bsfllp.com

JOSEPH SAVERI LAW FIRM, LLP

Joseph R. Saveri (SBN 130064)

Cadio Zirpoli (SBN 179108)

Christopher K.L. Young (SBN 318371)

Holden Benon (SBN 325847)

Aaron Cera (SBN 351163)

Margaux Poueymirou (SBN 35600)

601 California Street, Suite 1505

San Francisco, California 94108

(415) 500-6800

jsaveri@saverilawfirm.com

czirpoli@saverilawfirm.com

cyoung@saverilawfirm.com

hbenon@saverilawfirm.com

acera@saverilawfirm.com

mpoueymirou@saverilawfirm.com

Matthew Butterick (SBN 250953)

1920 Hillhurst Avenue, #406

Los Angeles, CA 90027

(323) 968-2632

mb@buttericklaw.com

CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP

Bryan L. Clobes (*pro hac vice*)

135 S. LaSalle Street, Suite 3210

Chicago, IL 60603

(312) 782-4880

bclobes@caffertyclobes.com

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DICELLO LEVITT

David A. Straite (*pro hac vice*)
485 Lexington Avenue, Suite 1001
New York, NY 10017
(646) 933-1000
dstraite@dicellolevitt.com

Amy Keller
Nada Djordjevic
James A. Ulwick
Madeline Hills
10 North Dearborn Street, 6th Floor
Chicago, Illinois 60602
(312) 214-7900
akeller@dicellolevitt.com
ndjordjevic@dicellolevitt.com
julwick@dicellolevitt.com
mhills@dicellolevitt.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**LIEFF CABRASER HEIMANN & BERNSTEIN,
LLP**

Daniel M. Hutchinson (SBN 239458)
275 Battery Street, 29th Floor
San Francisco, CA 94111
(415) 956-1000
hutchinson@lchb.com

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 18, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF SARAH SILVERMAN'S RESPONSES TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 18, 2024, at San Francisco, California.

By: Rya Fishman
Rya Fishman

SERVICE LIST

Bobby A. Ghajar
Colette Ani Ghazarian
COOLEY LLP
1333 2nd Street, Suite 400
Santa Monica, CA 90401
Email: bghajar@cooley.com
cghazarian@cooley.com

Kathleen R. Hartnett
COOLEY LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Email: khartnett@cooley.com

Judd D. Lauter
Elizabeth Lee Stameshkin
Juan Pablo Gonzalez
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304
Email: jlauter@cooley.com
lstameshkin@cooley.com
jgonzalez@cooley.com

Cole Augustus Poppell
Phillip Edward Morton
COOLEY LLP
1299 Pennsylvania Avenue, NW, Suite 700
Washington, DC 20004-2400
(202) 776-2317
Fax: (202) 842-7899
Email: cpoppell@cooley.com
pmorton@cooley.com

Angela L. Dunning
**CLEARY GOTTlieb STEEN &
HAMILTON LLP**
1841 Page Mill Road
Palo Alto, CA 94304-1254
Email: adunning@cgsh.com

Mark Alan Lemley
LEX LUMINA PLLC
745 Fifth Avenue, Suite 500
New York, NY 10151
Email: mlemley@lex-lumina.com

zmetakadrey@cooley.com

*Counsel for Defendant
Meta Platforms, Inc.*

Brian O. O'Mara
DICELLO LEVITT LLP
4747 Executive Dr., Ste 240
San Diego, CA 92121
Email: brian@dicellolevitt.com

Counsel for Plaintiffs